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In re Application of :
KNEPPER, et al. :
U.S. Application No.: 09/831,377 : COMMUNICATION
PCT No.: PCT/EP99/08664 :
Int. Filing Date: 11 November 1999 :
Priority Date: 17 November 1998 :
Attorney's Docket No.: P66680US0 :
For: USE OF ZINC ALLOYS :

This file is before the PCT Legal Office for issues arising under 35 U.S.C. 371.

BACKGROUND

On 11 November 1999, applicant filed international application PCT/EP99/08664, which claimed priority of an earlier application filed 17 November 1998. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 25 May 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 06 June 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 17 May 2001.

On 17 May 2001, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*: the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a translation of an amended claim filed 08 December 2000. An oath or declaration executed by the inventors was not included. Applicant did however pay the \$130.00 surcharge for providing an oath or declaration later than thirty months from the earliest claimed priority date.

On 22 June 2001, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 22 August 2001, applicant filed a combined declaration and power of attorney.

COMMUNICATION

The declaration filed on 22 August 2001 does not comply with 37 CFR 1.497 (a)-(b). Specifically, the third listed inventor is listed and executed as "Andrea JAHNY" whereas the International Application lists the third inventor as "Andrea WINKELS." Applicant must provide either a declaration executed with the name which appears on the international application, "Andrea WINKELS" or in the alternative, a petition under 37 CFR 1.182 requesting that applicant's name be changed to "Andrea JAHNY." In order to be granted, the petition under 37 CFR 1.182 must include an affidavit signed by inventor JAHNY with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order as well as the \$130.00 petition fee. See MPEP 605.04(c).

CONCLUSION

Applicant is hereby afforded **TWO MONTHS** from the mail date of this communication to furnish the proper reply as indicated above. Failure to file the reply within the time period provided will result in abandonment. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the International Division, Legal Staff.



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